

REMARKS/ARGUMENTS

Claims 1-6, 8-10, 12-14, and 16-21 are currently pending. Applicants have amended claims 1 and 19-21. Applicants submit that no new matter has been added to the application as a result of these amendments.

Claims 1-6, 8-10, 12-14, and 16-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,882,517 to Dotan (hereinafter “Dotan”) in view of U.S. Patent No. 5,123,045 to Ostrovsky, et al. (hereinafter “Ostrovsky”), and further in view of U.S. Patent Application Publication No. 2004/0172551 to Fielding, et al. (hereinafter “Fielding”).

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-6, 8-10, 12-14, and 16-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dotan in view of Ostrovsky and Fielding.

Solely in order to expedite prosecution, Applicants have amended independent claims 1 and 19-21 to include new features not formerly recited in the claims, and Applicants submit that even if Dotan, Ostrovsky, and Fielding could be combined as suggested in the Office Action, the combination fails to disclose or suggest all of the features recited in claims 1 and 19-21. For example, claim 1 recites, in part, that “the at least one remedial measure further comprises determining whether the suspected executable is being executed, and if the suspected executable code is being executed, terminating the execution of the suspected executable code without first providing warning to the suspected executable code prior to terminating the execution to prevent the suspected executable code from performing one or more countermeasures.” Applicants submit that neither Dotan, Ostrovsky, nor Fielding teach this feature of claim 1. Support for these amendments can be found at least at paragraph [0038] of Applicants’ Specification as Filed.

For at least the reasons provided, the combination of Dotan and Ostrovsky fails to disclose or suggest all of the features recited in claim 1. Claims 19-21 should be allowable for

similar reasons as claim 1. Furthermore, dependent claims 2-6, 8-10, and 12-18 should also be in condition for allowance at least due to their dependence from claim 1.

Accordingly, withdrawal of the rejection of claims 1-6, 8-10, and 12-18 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

/Jeffrey S. King, reg#58791/

Jeffrey S. King
Reg. No. 58,791

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
JSK:sjs
61933349 v1